

STATE OF RHODE ISLAND
AND
PROVIDENCE PLANTATIONS

COMMISSIONER OF
EDUCATION

.....

Students W.T. Doe

v.

Cranston School Department

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DECISION

HELD: Student Doe was suspended as a result from a fight on school grounds. The suspension imposed in this case is affirmed. A special visitor is hereby appointed to review the alternative education program now at issue and make recommendations for its improvement.

DATE: December 31, 2009

Jurisdiction and Travel of the Case

This is a school suspension case resulting from a fight on school grounds. Jurisdiction is present under R.I.G.L.16-39-1, R.I.G.L.16-39-2 and R.I.G.L. 16-2-17.

Positions of the Parties

The Parents

The parents contend that the school suspension imposed on their son is too long because the other student involved in the fight struck the first blow. They also contend that the Alternative Educational Placement (R.I.G.L.16-21-27) to which their son has been assigned does not provide their son with sufficient academic support to help him keep place with his classmates and graduate from high school.

The School District

The school district contends that the incident in question was so dangerous that a long term suspension is justified. It also contends that the Alternative Education Program to which the student has been assigned is sufficient to enable him to succeed in his school work.

Findings of Fact

1. The fifteen year old student in this case, WT, was placed on long term suspension as a result of a serious incident involving fighting. As required by Rhode Island Law he was assigned to an alternative education program.¹
2. This fight, which was prearranged, took place just after school in a fenced in area at the school stadium. The fight attracted over two hundred spectators. Eight students ended up taking part in the fight.²
3. The school's resource officer, who was on patrol, noticed the raucous gathering. As he approached he noticed the presence of gang members and he heard racial slurs being expressed by students he could not identify.
4. The officer called for back-up and an all cars bulletin was put out, which resulted in police cars with lights and sirens moving quickly to the scene. The officer felt that the situation was so unsafe that it was necessary for him to take his firearm out of its holster.
5. He ordered the eight students who were fighting to get down on the ground. In the end the eight students were arrested and charged with disorderly conduct...

¹ R.I.G.L.16-21-27. See: *Student T.S. Doe v. Woonsocket School Committee*, Commissioner of Education, June 2, 2005.

² Police Report, 09-47459-AR, 18 September 2009.

6. WT's suspension is scheduled to last for the first three quarters of the 2009-2010 school year.
7. During this term of suspension the student attends school for two days a week from 2:30 in the afternoon to until 5:00 in the afternoon in the school library. His regular teachers send school work down for him to do. A certified teacher is present to give this student, and other suspended students who are there, help in completing this work.
8. The student in this case appears to be at risk of dropping out of school due to academic difficulties.

Conclusions of Law

1. Cranston has always taken a strong stand against student fighting and it has made it a policy when imposing discipline not to take into account who started the fight. The fighting in this case is aggravated by the fact that it was a prearranged confrontation. We therefore must find that this student was properly suspended under R.I.G.L.16-2-17.
2. Students who are suspended from school for more than ten days are entitled to an Alternative Education Program:

R.I.G.L. 16-21-27 Alternative education programs. – Each school district shall adopt a plan to ensure continued education of students who are removed from the classroom because of a suspension of more than ten (10) days or who are chronically truant. The plan shall be adopted by the school committee and shall be submitted to Rhode Island department of elementary and secondary education as part of its annual strategic plan submission.

Discussion

The facts surrounding the suspension from school imposed in this case are not in material dispute. We find that the willful misconduct of this student, under circumstances which could have easily potentiated into a major disturbance, warrants the imposition of a long-term school suspension.

The other issue in this case concerns the sufficiency of the alternative education program that this student has been placed in. We find that a total of five hours a week of what seems to amount to a supervised homework completion program is not likely to meet the requirements of R.I.G.L. 16-21-27 because this alternative education program does not appear calculated to help the student keep pace with his school work. We will therefore appoint a special visitor to make a recommendation as to the sufficiency of the program and how it might be strengthened.

Conclusion

The suspension imposed in this case is affirmed. A special visitor is hereby appointed to review the alternative education program now at issue and make recommendations for its improvement.

APPROVED:

Forrest L. Avila, Hearing Officer

Deborah A. Gist, Commissioner

December 31, 2009

Date